

Notice of Allowability

Application No.

10/039,257

Examiner

Mark Kopec

Applicant(s)

WEINSTEIN, ROY

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 12/31/01.
2. ☒ The allowed claim(s) is/are 2,4,6,8,10,12 and 14.
3. ☒ The drawings filed on 31 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Mark Kopec
Primary Examiner

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Initially, it is noted that this application contains claims to the following patentably distinct inventions:

I. Claims 1, 3, 5, 7, 9, 11 and 13, drawn to:

1. An oxide superconductor comprising: a textured superconducting material including an array of defects dispersed throughout said superconducting material, said defects comprising a defect compound comprising a first defect element from group A (Cr, Mo, W, Nd) and a second defect element from group B (Pt, Zr, Pd, Ni, Ti, Hf, Ce, Th).

II. Claims 2, 4, 6, 8, 10, 12 and 14, drawn to:

2. An oxide superconductor comprising: a textured superconducting material including an array of defects dispersed throughout said superconducting material, said defects comprising a defect compound comprising the defect element uranium and a second defect element from group C (Zr, Pd, Ni, Ti, Hf, Ce, Th).

During a telephone conversation with Mr. Roy Weinstein on 9/24/04 a provisional election was made without traverse to prosecute the invention of Group II, claims 2, 4, 6, 8, 10, 12 and 14.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Cancel non-elected claims 1, 3, 5, 7, 9, 11 and 13.

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Authorization for this examiner's amendment was given in a telephone interview with Mr. Roy Weinstein on 9/30/04.

The following is an examiner's statement of reasons for allowance:

Weinstein (6,083,885) discloses An oxide superconductor includes a textured superconducting material including an array of defects with a neutron-fissionable element, or with at least one of the following chemical elements: uranium-238, Nd, Mn, Re, Th, Sm, V, and Ta. The array of defects is dispersed throughout the superconducting material. The superconducting material may be the RE.sub.1 Ba.sub.2 Cu.sub.3 O.sub.7-.delta. compound, wherein RE=Y, Nd, La, Sm, Eu, Gd, Dy, Ho, Er, Tm, Yb, Lu; the Bi.sub.2 Sr.sub.2 CaCu.sub.2 O.sub.x, the (Bi, Pb).sub.2 Sr.sub.2 CaCu.sub.2 O.sub.x, Bi.sub.2 Sr.sub.2 Ca.sub.2 Cu.sub.3 O.sub.x or (Bi, Pb).sub.2 Sr.sub.2 Ca.sub.2 Cu.sub.3 O.sub.x compound; the Tl.sub.2 Ca.sub.1.5 BaCu.sub.2 O.sub.x or Tl.sub.2 Ca.sub.2 Ba.sub.2 Cu.sub.3 O.sub.x compound; or a compound involving substitution such as the Nd.sub.1+x Ba.sub.2-x Cu.sub.3 O.sub.x compounds. The neutron-fissionable element may be uranium-235. The oxide superconductor may include additional defects created by fission (Abstract). The reference additionally teaches Pt addition (U-Pt-Y compound) (Col 4, lines 1-10).

Cited Weinstein 6,525,002 is a DIV of U.S. 6,083,885 (above). Sawah (Physica C) also discloses defect compound(s) of the formula $(U_{0.6}Pt_{0.4})Yb_{2}O_6$ (Abstract).

The prior art, however, does not disclose or fairly suggest the instantly recited textured superconductor materials comprising a defect compound comprising uranium and a second defect element selected from the group consisting of Zr, Pd, Ni, Ti, Hf, Ce or Th.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mark Kopec
Primary Examiner
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MK
September 30, 2004